# UNITED STATES PATENT AND TRADEMARK OFFICE

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 09/976,004 | 10/15/2001 | Amit S. Phadnis | CSCO-010/4390 | 9588 |

| | | | EXAMINER |
|---|---|---|---|
| 26392 | 7590 | 08/05/2005 | WILSON, ROBERT W |

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| ART UNIT | PAPER NUMBER |
|---|---|
| 2661 | |

DATE MAILED: 08/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. | Applicant(s) |
|---|---|---|
| | 09/976,004 | PHADNIS ET AL. |
| | **Examiner** | **Art Unit** |
| | Robert W. Wilson | 2661 |

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on <u>15 October 2001</u>.

2a)☐ This action is **FINAL**.    2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) <u>1-77</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) <u>24-37</u> is/are allowed.

6)☒ Claim(s) <u>1-5,16-19,38-41,45-49,53-56,59-63 and 72-74</u> is/are rejected.

7)☒ Claim(s) <u>6-15,20-23,42-44,50-52,57,58,64-71 and 75-77</u> is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>15 October 2001</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All  b)☐ Some *  c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date <u>2/7/02</u>.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____ .

U.S. Patent and Trademark Office

PTOL-326 (Rev. 1-04)                         Office Action Summary                      Part of Paper No./Mail Date 072805

## *Claim Rejections - 35 USC § 102*

1.      The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-2, 5, 16-19, 38-41, 45-46, 49, & 53-56 are rejected under 35 U.S.C. 102(e) as being anticipated by Rochberger (U.S. Patent No.; 6,577,653)
Referring to claim 1, Rochberger teaches: 14 per Fig 1 or first end system which sends a setup message for multiple VCs to 18 per Fig 1 or second end system per col. 11 line 49-col. 12 line 45 per Figs 3A & 3B.

In Addition Rochberger teaches:
Regarding claim 2, 1$^{st}$ info UNI signaling per col. 9 line 11-18 without NCCI & LCCI per col. 11 line 56-col. 12 line 45. 2$^{nd}$ info element equals NCCI & LCCI per col. 11 line 56-col. 12 line 45. connect message sent per col. 11 lines 27-46.

Regarding claim 5, connect or acceptance sent after hardware configured per Figs 2A & 2B

Referring to claim 16, Rocheberger teaches: A method performed in an intermediate node or device which is between a source edge node or first end system and a destination edge device or second end system per Fig 1. The intermediate node or device receives a setup or first signaling request for a plurality of VCs per col. 6 line 56-col. 12 line 44.

In Addition Rochberger teaches:
Regarding claim 17, connect or acceptance sent after hardware configured per Figs 2A & 2B
Regarding claim 18, connect or acceptance sent after hardware configured  or provisioning all vcs per Figs 2A & 2B
Regarding claim 19, connect or acceptance sent after hardware configured or provisioning all vcs before sending connect per Figs 2A & 2B

Referring to claim 38, Rocheberger teaches: A method performed in an intermediate node or device which is between a source edge node or first end system and a destination edge device or second end system  which has an I-bound interface per Fig 1. The intermediate node or device's in-bound interface receives a setup or first signaling request for a plurality of VCs per col. 6 line 56-col. 12 line 44.

In Addition Rochberger teaches:
Regarding claim 39, connect or acceptance sent after hardware configured per Figs 2A & 2B
Regarding claim 40, connect or acceptance sent after hardware configured or provisioning all vcs per Figs 2A & 2B
Regarding claim 41, connect or acceptance sent after hardware configured or provisioning all vcs before sending connect per Figs 2A & 2B
Regarding claim 49, connect or acceptance sent after hardware configured across all switches per Figs 2A & 2B
Referring to claim 45, Rochberger teaches: 14 per Fig 1 or first end system which has an interface or means to sends a setup message for multiple VCs to 18 per Fig 1 or second end system per col. 11 line 49-col. 12 line 45 per Figs 3A & 3B.

In Addition Rochberger teaches:

Regarding claim 46, 1st info UNI signaling per col. 9 line 11-18 without NCCI & LCCI per col. 11 line 56-col. 12 line 45. 2nd info element equals NCCI & LCCI per col. 11 line 56-col. 12 line 45. connect message sent per col. 11 lines 27-46.

Referring to claim 53 Rocheberger teaches: A intermediate node or device which is between a source edge node or first end system and a destination edge device or second end system which has an inherent interface or means for receiving per Fig 1. The intermediate node or device receives a setup or first signaling request fro a plurality of VCs per col. 6 line 56-col. 12 line 44.

In Addition Rochberger teaches:
Regarding claim 54, connect or acceptance sent after hardware configured per Figs 2A & 2B
Regarding claim 55, connect or acceptance sent after hardware configured or provisioning all vcs per Figs 2A & 2B
Regarding claim 56, connect or acceptance sent after hardware configured or provisioning all vcs before sending connect per Figs 2A & 2B

### Claim Rejections - 35 USC § 103

2.      The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 3-4, 47-48, 59-63, 72-75 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Rochberger (U.S. Patent No.; 6,577,653)

Refering to claim 3, Rochberger teaches: the method of claim 2,
Rochberger does not expressly call for: comprises non-mandatory information which can be
ignored by the switches but teaches: compliance with UNI Signaling specification per col. 11
lines 45-47 and sending NCCI and LCCI per col. 11 line 26-col. 12 line 44.

It would have been obvious to one of ordinary skill in the art at the time of the invention that the
signaling based upon UNI specification or mandatory is send and the NCCI and LCI is sent in
the non mandatory part of the word format in order for the invention to work.

Referring to claim 4, Rochberger teaches: the method of claim 3,
Rochberger does not expressly call for: UNI or NNI but teaches sending NCCI and LCI per col.
11 line 26-col 12 line 44.

Rochberger teaches: UNI per col. 11 lines 45-47.
It would have been obvious to one or ordinary skill in the at the time of the invention to add the
UNI to the network of Rochberger in order to make the network standards compliant.

Refering to claim 47, Rochberger teaches: the device of claim 45
Rochberger does not expressly call for: comprises means for receiving non-mandatory
information which can be ignored by the switches but teaches: compliance with UNI Signaling
specification per col. 11 lines 45-47 and sending NCCI and LCCI per col. 11 line 26-col. 12 line
44.

It would have been obvious to one of ordinary skill in the art at the time of the invention that the
signaling based upon UNI specification or mandatory is received and the NCCI and LCI is
received in the non mandatory part of the word format is received by 18 per Fig 1 in order for the
invention to work.

Referring to claim 48, Rochberger teaches: the device of claim 46,
Rochberger does not expressly call for: UNI or NNI but teaches sending NCCI and LCI per col.
11 line 26-col 12 line 44.

Rochberger teaches: UNI per col. 11 lines 45-47.
It would have been obvious to one or ordinary skill in the at the time of the invention to add the
UNI to the device of Rochberger in order to make the network standards compliant.

Referring to claim 59, it is within the level of one skilled in the art at the time of the invention to
implement the limitations of the method of claim 1 in software or computer program. It would
have been obvious to one of ordinary skill in the art at the time of the invention to implement the

computer program on a computer readable medium in order for it to be executable on a processor.

Referring to claim 60, it is within the level of one skilled in the art at the time of the invention to implement the limitations of the method of claim 2 in software or computer program. It would have been obvious to one of ordinary skill in the art at the time of the invention to implement the computer program on a computer readable medium in order for it to be executable on a processor.

Referring to claim 61, it is within the level of one skilled in the art at the time of the invention to implement the limitations of the method of claim 3 in software or computer program. It would have been obvious to one of ordinary skill in the art at the time of the invention to implement the computer program on a computer readable medium in order for it to be executable on a processor.

Referring to claim 62, it is within the level of one skilled in the art at the time of the invention to implement the limitations of the method of claim 4 in software or computer program. It would have been obvious to one of ordinary skill in the art at the time of the invention to implement the computer program on a computer readable medium in order for it to be executable on a processor.

Referring to claim 63, it is within the level of one skilled in the art at the time of the invention to implement the limitations of the method of claim 5 in software or computer program. It would have been obvious to one of ordinary skill in the art at the time of the invention to implement the computer program on a computer readable medium in order for it to be executable on a processor.

Referring to claim 72, it is within the level of one skilled in the art at the time of the invention to implement the limitations of the method of claim 16 in software or computer program. It would have been obvious to one of ordinary skill in the art at the time of the invention to implement the computer program on a computer readable medium in order for it to be executable on a processor.

Referring to claim 73, it is within the level of one skilled in the art at the time of the invention to implement the limitations of the method of claim 17 in software or computer program. It would have been obvious to one of ordinary skill in the art at the time of the invention to implement the computer program on a computer readable medium in order for it to be executable on a processor.

Referring to claim 74, it is within the level of one skilled in the art at the time of the invention to implement the limitations of the method of claim 18 in software or computer program. It would have been obvious to one of ordinary skill in the art at the time of the invention to implement the computer program on a computer readable medium in order for it to be executable on a processor.

Referring to claim 75, it is within the level of one skilled in the art at the time of the invention to implement the limitations of the method of claim19 in software or computer program. It would have been obvious to one of ordinary skill in the art at the time of the invention to implement the computer program on a computer readable medium in order for it to be executable on a processor.

### Claim Objections

3.      Claims 43-44 are objected to because of the following informalities: claim 11 has an

element number "550" in the claim which makes the claim confusing. The examiner

recommends that the element number be deleted. Appropriate correction is required.

### Claim Objections

4.      Claims 6-15, 20-23, 41-42, 50-52, 56-58, 64-71, 75-77 are objected to as being dependent

upon a rejected base claim, but would be allowable if rewritten in independent form including all

of the limitations of the base claim and any intervening claims.

### Allowable Subject Matter

5.      The present invention is directed to an outbound interface and message construction block and call control logic for causing said message construction block to construct a first signaling message requesting said plurality of virtual circuits to be setup and to send said first signaling message in order to send a a first signaling message from a first end system to a second end system.

The closest prior art is Rochberger (U.S. Patent No.: 6,577,653). Rochberger teaches an intermediate device which sends setup messages between a first end system and second end system but does not disclose the structure of the outbound interface or message construction block or call control logic.

The closest prior art Rochberger does not anticipate, disclose, or render obvious the following claim limitations:

"An outbound interface coupled to said network; a message construction block coupled to said outbound interface; and a call control logic for causing said message construction block to construct a first signaling message requesting said plurality of virtual circuits to be set up, and to

send said first signaling message on said network to said second end system." as claimed in claim 24.

In addition claims 25-37 are allowed because they depend upon claim 24.

### *Specification*

6.      The specification section relative to Related applications per Pg 2 lines 4-8 are objected to because the serial number and status of the related application needs to be updated. Appropriate action is required.
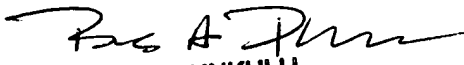
### *Conclusion*

7.      Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Robert W. Wilson whose telephone number is 571/272-3075.

The examiner can normally be reached on M-F (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Chau T. Nguyen can be reached on 571/272-3126. The fax phone number for the

organization where this application or proceeding is assigned is 571/273-8300

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Robert W Wilson
Examiner
Art Unit 2661

RWW
7/26/05

BOB PHUNKULH
PRIMARY EXAMINER